

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Arsalan Faghri, Fereshteh Amini,
and Roudabeh Faghri,

Plaintiffs

v.

Michael Chertoff, as Secretary of the Department
of Homeland Security;
Emilio T. Gonzalez Director of U.S. Citizen and
Immigration Services;
Paul Novak, Director,
Vermont Service Center, U.S. Citizenship and
Immigration Services, and
Robert S. Muller, Director of Federal Bureau of
Investigation

Defendants

CIVIL ACTION

NO. _____

06 - 777

PLAINTIFF'S ORIGINAL COMPLAINT
FOR WRIT OF MANDAMUS

To the Honorable Judges of Said Court:

Plaintiffs, Arsalan Faghri, Fereshteh Amini, and Roudabeh Faghri, through undersigned counsel, allege as follows:

1. This is a civil action brought pursuant to 28 U.S.C. §1331, and 28 U.S.C. §1361, to redress the deprivation of rights, privileges and immunities secured to Plaintiffs to compel Defendants to perform a duty Defendants owe to Plaintiffs. Jurisdiction is also conferred by 5

U.S.C. §701.

2. This action is brought to compel Defendants and those acting under them to take action on the Applications to Adjust Status, Form I-485, in order for Plaintiffs, to become Permanent Residents of the United States.

3. Plaintiffs are eligible to have their Applications adjudicated.

4. Defendants, the Department of Homeland Security and U.S. Citizenship and Immigration Services ("USCIS"), are charged by law with the statutory obligation to adjudicate these Applications to Adjust Status, Form I-485.

5. Venue is proper under 28 USC §1391(e) because the Plaintiffs reside in this district and no real property is involved in this action.

PARTIES

6. Plaintiff, Arsalan Faghri, resides at 1 Renee Lane, Newark, Delaware, alien number A97483335, is the primary applicant of an I-485, Application to Register Permanent Resident or Adjustment of Status filed with the USCIS on or about July 14, 2003.

7. Plaintiff, Fereshteh Amini, resides at 1 Renee Lane, Newark, Delaware, alien number A97483336, is the derivative applicant of an I-485, Application to Register Permanent Resident or Adjustment of Status filed with the USCIS on or about July 14, 2003. She is the spouse of Arsalan Faghri.

8. Plaintiff, Roudabeh Faghri, resides at 1 Renee Lane, Newark, Delaware, alien number A97483337, is the derivative applicant of an I-485, Application to Register Permanent Resident or Adjustment of Status filed with the USCIS on or about July 14, 2003. She is the child of Arsalan Faghri.

9. Defendant Michael Chertoff is the Secretary of the Department of Homeland Security, and this action is brought against him in his official capacity. He is generally charged with enforcement of the Immigration and Nationality Act, and is further authorized to delegate such powers and authority to subordinate employees of the Department of Homeland Security. 8 USC § 1103(a). More specifically, the Secretary of the Department of Homeland Security is responsible for the adjudication of applications for nonimmigrant visas filed pursuant to the Immigration and Nationality Act (INA). The U.S. Citizenship & Immigration Services is an agency within the Department of Homeland Security to whom the Secretary of the Department of Homeland Security's authority has in part been delegated, and is subject to the Secretary of the Department of Homeland Security's supervision.

10. Defendant Emilio T. Gonzalez is the Director of the U.S Citizenship & Immigration Services (USCIS) and an official generally charged with supervisory authority over all operations of the USCIS with certain specific exceptions not relevant here. 8 CFR § 103.1(g)(2)(ii)(B).

11. Defendant Paul Novak is the Director of the U.S Citizenship & Immigration Services (USCIS), Vermont Service Center, and an official generally charged with supervisory authority over all operations of the USCIS, Vermont Service Center, with certain specific exceptions not relevant here. 8 CFR § 103.1(g)(2)(ii)(B).

12. Defendant Robert S. Mueller, III, Director of Federal Bureau of Investigations (FBI), the law enforcement agency that conducts security clearances for other U.S. government agencies, such as the Department of State. As will be shown, Defendant has failed to complete the security clearances of Plaintiffs' cases.

JURISDICTION

13. Jurisdiction in this case is proper under 28 USC §§ 1391 and 1361, 5 USC §701 et seq., and 28 USC §2201 et seq. Relief is requested pursuant to said statutes.

CLAIM FOR RELIEF

14. The Mandamus and Venue Act of 1962, 28 U.S.C. 1361, provides that a federal court shall compel an agency to “perform a duty owed to the plaintiff.” In order to obtain relief, a mandamus plaintiff must demonstrate that: (1) he or she has a clear right to the relief requested; (2) the defendant has a clear duty to perform the act in question; and (3) no other adequate remedy is available. *Iddir v. Ins*, 301 F.3d 492, 499 (7th Cir. 2002).

15. By inordinate delays in adjudication of plaintiffs’ applications, plaintiffs have been denied due process of the law, as guaranteed by the Fifth Amendment to the United States Constitution.

16. Plaintiffs are seeking a writ of mandamus requiring the USCIS to perform a ministerial adjudication of a long-delayed immigration application.

17. Plaintiffs have exhausted their administrative remedies and no other adequate remedy available to them.

FACTS

18. Plaintiffs are citizens of Canada. Plaintiff Arsalan Faghri is the beneficiary of a Petition for Alien Worker, Form I-140, which was approved on Jun 29, 2004 with a priority date of June 4, 2001 for the second employment preference category (EB-2). *See* Exhibit 1 (copy of Form I-140 Approval Notice).

19. Based upon the USCIS’ established concurrent filing procedures, on July 14, 2003,

Plaintiffs also applied to adjust their status to that of Permanent Resident Aliens by submitting Forms I-485. *See* Exhibit 2 (copies of **Plaintiffs'** receipt notices for their I-485 applications).

20. Plaintiffs completed fingerprint processing on September 28, 2004 as requested by the USCIS. (Exhibit 3)

21. Since April 12, 2005, Plaintiffs have been contacting USCIS about the case status in accordance with the USCIS' established case status procedures to determine why the processing of these cases have been delayed and to date, plaintiff have not received any definitive responses or relief. (Exhibit 4)

22. On or about August 16, 2005, Plaintiffs contacted the USCIS again regarding the status of their cases. On September 28, 2005, the plaintiffs received a response from the Vermont Service Center of the USCIS stating that "currently, we are awaiting the results of the required security checks on your case," and that "unfortunately, these checks can sometimes cause delays in the processing of cases." (Exhibit 5)

23. On September 6, 2005, Plaintiffs' attorney sent an email to the American Immigration Lawyers Association (AILA) Vermont Service Center Liaison committee, requesting assistance in contacting the USCIS regarding these cases. The AILA liaison contacted the USCIS and was told "security checks still pending for primary applicant. Please allow more time for processing." (Exhibit 6)

24. On or about January 4, 2006, Plaintiffs contacted the USCIS again regarding the status of their cases. On or about February 13, 2006, the plaintiffs received a response from the Vermont Service Center of the USCIS stating that "[t]he processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open." currently, we are awaiting the results of the

required security checks on your case,” and that “unfortunately, these checks can sometimes cause delays in the processing of cases.” (Exhibit 7)

25. On or about February 15, 2006, Plaintiff Arsalan Faghri decided to file a FOIPA(Freedom of Information Privacy Act) to see if the reason behind the FBI Name Check Clearance delay was due to a Record in the FBI Central Record System(CRS). (Exhibit 8) The FBI name check is made against the CRS system which is updated by 20 other agencies for various reasons.

26. On or about March 14, 2006, Plaintiff Arsalan Faghri got a response back from David M. Hardy, Section Chief of CRS stating that the FOIPA request is being returned because of insufficient information. The response requested additional information which Plaintiff Arsalan Faghri immediately supplied and mailed back to the FBI. (Exhibit 9)

27. To date, Plaintiff Arsalan Faghri has received no response to his FOIPA request to the FBI.

28. According to the FBI’s publication on its website, the FBI processes name checks in the order in which they receive and normally processes most cases within 60 days of the customer agency request. Plaintiffs’ name checks and security clearance requests have been pending for two years. Despite the long delay in processing of plaintiffs’ name checks, it appears that the FBI will only respond to status inquiries for name checks from its customer agencies, such as the USCIS. Further, the FBI will only accept expedite requests from customer agencies such as the USCIS. The FBI also warns that “because each customer agency determines which name checks are expedited, contacting Congressional representatives, the FBI’s Office of Congressional Affairs, or the NNCP will only further tie up vital resources and will not contribute to the expediting of a name check.” (Exhibit 10)

29. Despite the long delay in processing of plaintiffs’ name checks, it appears that the USCIS will not request expedite processing of plaintiffs’ name except **through a Writ of Mandamus.**

(Exhibit 11)

30. The Defendants, in violation of the Administrative Procedures Act, 5 USC §701 et seq., are unlawfully withholding action on the Plaintiffs' applications and have failed to carry out the adjudicative functions delegated to them by law with regards to the Plaintiffs' cases.

31. Though the role of Defendants is pivotal in securing the civilians of the United States of America from people planning to do harm on American soil, the Defendants actions in adjudicating the Plaintiff's case have clearly gone beyond the expected 120 days to 1 year processing time and have failed to adhere to their own regulations.

32. The Defendants have failed to properly adjudicate this petition. They have failed to adhere to their own regulations and have improperly delayed the processing of the Plaintiffs' I-485 applications after the Plaintiffs had submitted properly executed applications. It has been 36 months since the Plaintiffs filed their I-485 applications.

WHEREFORE, Plaintiffs prays that the Court:

1. Compel Defendants and those acting under them to perform their duty to adjudicate Plaintiffs' Applications;
2. Grant such other and further relief as this Court deems proper under the circumstances; and
3. Grant Attorney's fees and costs of Court to Plaintiffs under the Equal Access to Justice Act.

Respectfully submitted,


/s/ Cynthia Carroll

Cynthia Carroll
Attorney at Law

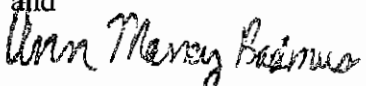
Bar I.D. 3465

260 Chapman Road, Suite 201D

Newark, Delaware 19702

302-733-0411

and


Ann Massey Badmus

/s/ Ann Massey Badmus _____

Ann Massey Badmus

Attorney at Law

Badmus Immigration Law Firm, P.C.

Bar I.D. 2717

12700 Park Central Drive Suite 1910

Dallas, Texas 75251

469-916-7900

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Complaint for Writ of Mandamus was served by registered mail, postage prepaid on each entity below addresses as follows:

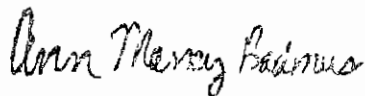
Office of the General Counsel
United States Department of Homeland Security
Washington, DC 20528

Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-001

The Honorable Colm F. Connolly
United States Attorney's Office
District of Delaware
P.O. Box 2046
Wilmington, Delaware 19899

Robert Muller, individually and as
Director of the Federal Bureau of Investigation
U.S. Department of Justice
935 Pennsylvania Avenue, NW
Washington, DC 20535

I declare under penalty of perjury that the foregoing is true and correct.



/s/Ann Massey Badmus
Ann Massey Badmus
Attorney at Law

THE UNITED STATES OF AMERICA

RECEIPT NUMBER EAC-03-221-51988		CASE TYPE I140 IMMIGRANT PETITION FOR ALIEN WORKER
RECEIPT DATE July 30, 2003	PRIORITY DATE June 4, 2001	PETITIONER EDWARDS AND KELCEY INC
NOTICE DATE June 29, 2004	PAGE 1 of 1	EMPLOYEE A97 483 335 FAGURI, ARSALAN
ANN M. BADMUS BADMUS IMMIGRATION LAW FIRM P C 12700 PARK CENTRAL DR STE 1412 DALLAS TX 75251		Notice Type: Approval Notice Section: Mem of Profession w/Adv Deg, or of Exceptn'l Ability Sec.203 (b) (2)

The above petition has been approved. The petition indicates that the person for whom you are petitioning is in the United States and will apply for adjustment of status. He or she should contact the local INS office to obtain Form I-485, Application for Permanent Residence. A copy of this notice should be submitted with the application. With appropriate fee, to this Service Center. Additional information about eligibility for adjustment of status may be obtained from the local INS office serving the area where he or she lives, or by calling 1-800-375-5283.

If the person for whom you are petitioning decides to apply for a visa outside the United States based on this petition, the petitioner should file Form I-624, Application for Action on an Approved Application or Petition, with this office to request that we send the petition to the Department of State National Visa Center (NVC).

The NVC processes all approved immigrant visa petitions that require consular action. The NVC also determines which consular post is the appropriate consulate to complete visa processing. It will then forward the approved petition to that consulate.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE
VERMONT SERVICE CENTER
75 LOWER WELDEN STREET
SAINT ALBANS VT 05479-0001
Customer Service Telephone: (800) 375-5283



Notice of Action

THE UNITED STATES OF AMERICA

RECEIPT NUMBER EAC-03-221-51779		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIVED DATE July 14, 2003	PRIORITY DATE	APPLICANT A97 483 335 FAGHRI, ARSALAN
NOTICE DATE July 30, 2003	PAGE 1 of 1	
ANN M. BADMUS BADMUS IMMIGRATION LAW FIRM P C 12700 PARK CENTRAL DR STE 1412 DALLAS TX 75251		Notice Type: Receipt Notice Amount received: \$ 305.00 Section: Adjustment as direct beneficiary of immigrant petition

The above application or petition has been received. It usually takes 365 to 540 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number (800) 375-5283 to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

If you have other questions about possible immigration benefits and services, filing information, or Immigration and Naturalization Service forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call our TDD at 1-800-767-1833.

You can also visit the INS on the internet at www.ins.gov. On our web site you can get-up-to-date case status information on your case and find valuable information about immigration services and benefits.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE
VERMONT SERVICE CENTER
75 LOWER WELDEN STREET
SAINT ALBANS VT 05479-0001
Customer Service Telephone: (800) 375-5283



Notice of Action

THE UNITED STATES OF AMERICA

RECEIPT NUMBER EAC-03-221-51747		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIVED DATE July 14, 2003	PRIORITY DATE	APPLICANT A97 483 336 AMINI, FERESHTEH
NOTICE DATE July 30, 2003	PAGE 1 of 1	
ANN M. BADMUS BADMUS IMMIGRATION LAW FIRM P C 12700 PARK CENTRAL DR STE 1412 DALLAS TX 75251		Notice Type: Receipt Notice Amount received: \$ 305.00 Section: Derivative adjustment

The above application or petition has been received. It usually takes 365 to 540 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number (800) 375-5283 to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

If you have other questions about possible immigration benefits and services, filing information, or Immigration and Naturalization Service forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call our TDD at 1-800-767-1833.

You can also visit the INS on the internet at www.ins.gov. On our web site you can get up-to-date case status information on your case and find valuable information about immigration services and benefits.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE
VERMONT SERVICE CENTER

75 LOWER WELDEN STREET
SAINT ALBANS VT 05479-0001

Customer Service Telephone: (800) 375-5283



Notice of Action

THE UNITED STATES OF AMERICA

RECEIPT NUMBER EAC-03-221-51708		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIVED DATE July 14, 2003	PRIORITY DATE	APPLICANT A97 483 337 FAGHRI, ROUDABEH
NOTICE DATE July 30, 2003	PAGE 1 of 1	
ANN M. BADMUS BADMUS IMMIGRATION LAW FIRM P C 12700 PARK CENTRAL DR STE 1412 DALLAS TX 75251		Notice Type: Receipt Notice Amount received: \$ 305.00 Section: Derivative adjustment

The above application or petition has been received. It usually takes 365 to 540 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number (800) 375-5283 to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

If you have other questions about possible immigration benefits and services, filing information, or Immigration and Naturalization Service forms, please call the INS National Customer Service Center (NCSU) at 1-800-375-5283. If you are hearing impaired, please call our TDD at 1-800-767-1833.

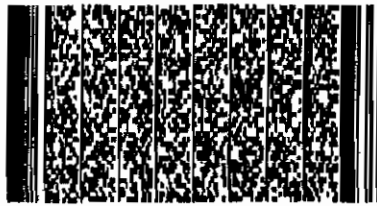
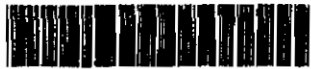
You can also visit the INS on the internet at www.ins.gov. On our web site you can get up-to-date case status information on your case and find valuable information about immigration services and benefits.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE
VERMONT SERVICE CENTER
75 LOWER WELDEN STREET
SAINT ALBANS VT 05479-0001
Customer Service Telephone: (800) 375-5283



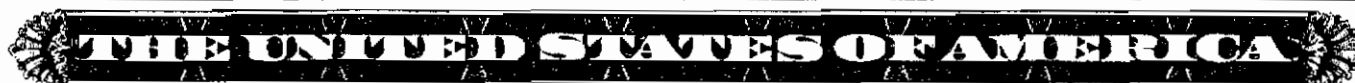
THE UNITED STATES OF AMERICA

Fingerprint Notification		NOTICE DATE 09/22/2004
CASE TYPE I485 Application to Register Permanent Resident or Adjust Status	SOCIAL SECURITY NUMBER	USCIS AW A097483336
APPLICATION NUMBER EAC0322151747	SERVICE CENTER ESC	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS FERESHTEH AMINI c/o ANN BADMUS BADMUS IMMIGRATION LAW FIRM 12700 PARK CENTRAL DRIVE SUITE 1412 DALLAS, TX 75251		
		
<p>To process your application, the U. S. Citizenship & Immigration Services (USCIS) must take your fingerprints and have them cleared by the FBI. PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE APPOINTED DATE AND TIME TO HAVE YOUR FINGERPRINTS TAKEN. If you are unable to appear at this time, you may go on any following Wednesday at the same time noted below, as long as you appear before 12/18/2004. If you do not have your fingerprints taken by that date, your application will be considered abandoned.</p>		
APPLICATION SUPPORT CENTER USCIS DOVER 1305 MCD DRIVE DOVER, DE 19901	DATE AND TIME OF APPOINTMENT 09/28/2004 10:00 AM	
WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING: 1. THIS APPOINTMENT NOTICE and 2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you may not be fingerprinted.		
PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.		
WARNING! <i>Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.</i> <i>If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with fingerprinting.</i>		
If you have any questions regarding this notice, please call 1-800-375-5283.		
APPLICATION NUMBER EAC0322151747	APPLICANT COPY 	

Exh. 3



Department of Homeland Security
U.S. Citizenship and Immigration Services

I-797, Notice of Action



Fingerprint Notification		NOTICE DATE 09/22/2004
CASE TYPE I485 Application to Register Permanent Resident or Adjust Status	SOCIAL SECURITY NUMBER	USCIS A# A097483335
APPLICATION NUMBER EAC0322151779	SERVICE CENTER ESC	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS ARSALAN FAGHRI c/o ANN BADMUS BADMUS IMMIGRATION LAW FIRM 12700 PARK CENTRAL DRIVE SUITE 1412 DALLAS, TX 75231		
<p>To process your application, the U. S. Citizenship & Immigration Services (USCIS) must take your fingerprints and have them cleared by the FBI. PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE APPOINTED DATE AND TIME TO HAVE YOUR FINGERPRINTS TAKEN. If you are unable to appear at this time, you may go on any following Wednesday at the same time noted below, as long as you appear before 12/18/2004. If you do not have your fingerprints taken by that date, your application will be considered abandoned.</p>		
APPLICATION SUPPORT CENTER		DATE AND TIME OF APPOINTMENT
USCIS DOVER 1305 MCD DRIVE DOVER, DE 19901		09/28/2004 10:00 AM
WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:		
1. THIS APPOINTMENT NOTICE and 2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you may not be fingerprinted.		
PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.		
<p style="text-align: center;">WARNING!</p> <p><i>Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.</i></p> <p><i>If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with fingerprinting.</i></p>		
If you have any questions regarding this notice, please call 1-800-375-5283.		
APPLICATION NUMBER EAC0322151779		APPLICANT COPY

THE UNITED STATES OF AMERICA

Fingerprint Notification		NOTICE DATE 09/22/2004
CASE TYPE I485 Application to Register Permanent Resident or Adjust Status	SOCIAL SECURITY NUMBER	USCIS A# A097483337
APPLICATION NUMBER EAC0322151708	SERVICE CENTER ESC	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS ROUDABEH FAGHRI c/o ANN BADMUS BADMUS IMMIGRATION LAW FIRM 12700 PARK CENTRAL DRIVE SUITE 1412 DALLAS, TX 75251		
		
<p>To process your application, the U. S. Citizenship & Immigration Services (USCIS) must take your fingerprints and have them cleared by the FBI. PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE APPOINTED DATE AND TIME TO HAVE YOUR FINGERPRINTS TAKEN. If you are unable to appear at this time, you may go on any following Wednesday at the same time noted below, as long as you appear before 12/18/2004. If you do not have your fingerprints taken by that date, your application will be considered abandoned.</p>		
APPLICATION SUPPORT CENTER USCIS DOVER 1305 MCD DRIVE DOVER, DE 19901	DATE AND TIME OF APPOINTMENT 09/28/2004 10:00 AM	
WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING: 1. THIS APPOINTMENT NOTICE and 2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you may not be fingerprinted.		
PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.		
WARNING! <i>Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.</i> <i>If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with fingerprinting.</i>		
If you have any questions regarding this notice, please call 1-800-375-5283.		
APPLICATION NUMBER EAC0322151708	APPLICANT COPY 	

**U.S. Department of Homeland
Security**

Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001



**U.S. Citizenship
and Immigration
Services**

April 26, 2005

ANN M BADMUS
BADMUS IMMIGRATION LAW FIRM
12700 PARK CENTRAL DR STE 1412
DALLAS TX 75251

Dear Ann M Badmus:

On 04/12/2005 you, or the designated representative shown below, contacted USCIS about your case. Some of the key information given to us at that time was the following:

Person who contacted us: ANN M BADMUS
Case type: 1-485 EMPLOYMENT BASED
Filing date: 07/14/2003
Receipt number: EAC0322151708
Beneficiary:
Your CIS Account Number:
Type of Service Requested: CASE STATUS

The status of this service request is:

The processing of your petition/application has been delayed. All petitions/applications received by this Service are required to have routine security checks that are resulting in delays of the adjudication of petitions/applications. As a result of the lack of manpower to complete the checks in a timely manner, we have no control over how long these checks will take. We can give no definite indication of when they will be completed. We apologize for the delay.

For future status inquiries of a petition or application filed at this Center you may want to utilize our National Customer Service Center by calling (800) 375-5283. If you would like to obtain forms, filing instructions, case status or schedule an appointment with your local office, please visit our web site at www.uscis.gov (forms and appointments can be obtained from this site). You must use the InfoPass Appointment Scheduler prior to visiting your local office.

**U.S. Department of Homeland
Security**

Vermont Service Center
75 Lower Welden Street
St. Albans, VT 05479-0001



**U.S. Citizenship
and Immigration
Services**

April 26, 2005

ANN M BADMUS
BADMUS IMMIGRATION LAW FIRM
12700 PARK CENTRAL DR STE 1412
DALLAS TX 75251

Dear Ann M Badmus:

On 04/12/2005 you, or the designated representative shown below, contacted USCIS about your case. Some of the key information given to us at that time was the following:

Person who contacted us:	ANN M BADMUS
Case type:	I-485 EMPLOYMENT BASED
Filing date:	07/14/2003
Receipt number:	EAC0322151747
Beneficiary:	
Your CIS Account Number:	
Type of Service Requested	CASE STATUS

The status of this service request is:

The processing of your petition/application has been delayed. All petitions/applications received by this Service are required to have routine security checks that are resulting in delays of the adjudication of petitions/applications. As a result of the lack of manpower to complete the checks in a timely manner, we have no control over how long these checks will take. We can give no definite indication of when they will be completed. We apologize for the delay.

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U.S. Department of Homeland Security
Vermont Service Center
75 Lower Welden Street
St. Albans, VT
05479-0001



**U.S. Citizenship
and Immigration
Services**

Wednesday, September 28, 2005

ANN BADMUS
BADMUS IMMIGRATION LAW FIRM
12700 PARK CENTRAL DR
STE 1910
DALLAS TX 75251

ATTORNEY/PARALEGAL COPY

ARSALAN FAGHRI
1 RENEE LN
NEWARK DE 19711

Dear ARSALAN FAGHRI:

On 08/16/2005 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Person who contacted us:	ADAMS, BENITA
Caller indicated they are:	A Paralegal or Other Employee of the Attorney of Record
Attorney Name:	ANN BADMUS
Case type:	I485
Filing date:	07/14/2003
Receipt #:	EAC-03-221-51779
Beneficiary (If you filed for someone else):	FAGHRI, ARSALAN
Your USCIS Account Number (A-number):	A097483335
Type of service requested:	Case Status - Outside Processing Time

The status of this service request is:

Currently, we are awaiting the results of required security checks on your case. These background checks are required of all applicants that apply for the immigration benefits that you are seeking. Unfortunately, these checks can sometimes cause delays in the processing of cases. We will make every effort to make a decision on your case as soon as the security checks are complete.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

From: <annbadmus@badmuslaw.com>
To: <vscliaison@aila.org>
Cc: <annbadmus@badmuslaw.com>
Sent: Tuesday, September 06, 2005 12:37 PM
Subject: Vermont Service Center Inquiry Form From Ann Badmus

Date: 9/6/2005

We are in receipt of your Service Center Liaison Assistance Form. Below are your responses. Please print out and keep for your files.

Attorney's Name: Ann Badmus
Attorney's Address: 12700 Park Central Drive, Suite 1910
Attorney's City: Dallas
Attorney's State: TX
Attorney's Zip: 75251
Email: annbadmus@badmuslaw.com
Phone: 469-916-7900
Fax: 469-916-7901

Firm: Badmus Immigration Law Firm
Member No: 8092

Form_Type: I-485 Employment based

Other_Type:

I824 Case Type:

G-28 Submitted: Yes

App_Name: Arsalan Faghri

BenA_Name: Arsalan Faghri
BenA_Birth: 7/13/1961
BenA_Anumber: A97 483 335
BenA_Receipt_No: EAC0322151779

BenB_Name: Fereshteh Amini
BenB_Birth: 7/27/1959
BenB_Anumber: A97 483 336
BenB_Receipt_No: EAC0322151747

BenC_Name: Roudabeh Faghri
BenC_Birth: 4/12/1986
BenC_Anumber: A97 483 337
BenC_Receipt_No: EAC0322151708

Problem: Current processing date for employment based I-485 is August 19,

Exh 6

8/19/2006

Ann Badmus

From: Alexis Axelrad [aaxelrad@barstmukamal.com]
Sent: Wednesday, September 28, 2005 11:49 AM
To: annbadmus@badmuslaw.com
Subject: FW: FW: Vermont Service Center Inquiry Form From Ann Badmus

Ann,

I'm sorry to forward that the reason for the delay is the usual holdup, the security check process and unfortunately there is nothing the VSC can or will do to speed up this process.

I hope this bit of info is at least a little helpful.

-Alexis

From: VSC
Sent: Mon 9/26/2005 10:23 AM
To: Alexis Axelrad
Subject: Re:FW: Vermont Service Center Inquiry Form From Ann Badmus

Security checks still pending for primary applicant.

Please allow more time for processing.

Thank you,

Cher

VSC AILA LIAISON HELPDASK

Attorney's Name: Ann Badmus
Attorney's Address: 12700 Park Central Drive, Suite 1910 Attorney's
City: Dallas Attorney's State: TX Attorney's Zip: 75251
Email: annbadmus@badmuslaw.com
Phone: 469-916-7900
Fax: 469-916-7901

Firm: Badmus Immigration Law Firm
Member No: 8092

Form_Type: I-485 Employment based

Other_Type:

I824 Case Type:

G-28 Submitted: Yes

8/19/2006

U.S. Department of Homeland Security
Vermont Service Center
75 Lower Welden Street
St. Albans, VT
85479-0801



**U.S. Citizenship
and Immigration
Services**

Monday, February 13, 2006

ANN BADMUS
BADMUS IMMIGRATION LAW FIRM
12700 PARK CENTRAL DR
STE 1910
DALLAS TX 75251

ATTORNEY/PARALEGAL COPY

ARSALAN FAGHRI
1 RENEE LN
NEWARK DE 19711

Dear ARSALAN FAGHRI:

On 01/04/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Person who contacted us:	ADAMS, BENITA
Caller indicated they are:	A Paralegal or Other Employee of the Attorney of Record
Attorney Name:	ANN BADMUS
Case type:	I485
Filing date:	07/14/2003
Receipt #:	EAC-03-221-51779
Beneficiary (if you filed for someone else):	FAGHRI, ARSALAN
Your USCIS Account Number (A-number):	A097483335
Type of service requested:	Non-delivery

The status of this service request is:

Your attorney's address has been changed on all three applications.

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

U.S. CIS - 02-13-2006 08:07 AM EST - EAC-03-221-51779

Exh. 7

February 16, 2006

David M. Hardy, Chief
Record/Information Dissemination Section
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington DC 20535

RE: Privacy Act Request

Dear Mr. Hardy:

Under the Freedom of Information Act, 5 U.S.C. section 552 and the Privacy Act, 5 U.S.C. section 552a, please furnish me with copies of all records about me indexed to my name or my identifying information, maintained in the Central Records System (CRS).

To help identify information about me in your records systems and/or programs, I am providing the following identifying information:

Full Name: Arsalan Faghri
Date of Birth: 07-13-1961
Place of Birth: Isfahan Iran
Social Security Number: 569-69-6334
Current Address: 1 Renee Lane, Newark DE 19711
Home Phone Number: 302-235-1692

If you have any questions about handling this request, you may phone my attorney at 469-916-7900 x202. Please respond to: Ann Massey Badmus, 12700 Park Central Drive, Suite 1910, Dallas, TX 75251.

Sincerely,

Arsalan Faghri

Pursuant to 28 U.S.C. 1746, I certify under penalty of perjury that the foregoing is true and correct and that I am requesting release of my records to my Attorney Ann Massey Badmus.

Executed on _____ day of _____, 2006

Exh. 8



U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

March 3, 2006

Mr. Arsalan Faghri
1 Renee Lane
Newark, DE 19711

Dear Mr. Faghri:

Your Freedom of Information-Privacy Acts (FOIPA) request is being returned. Your letter did not contain sufficient information to conduct an accurate search of the central records system at FBI Headquarters. The following information is necessary:

Full Name: ARSALAN FAGHRI
Current Address: 1 RENEE LANE, NEWARK, DE 19711
Date of Birth: 07-13-1961 Place of Birth: ESFAHAN - IRAN
Daytime Telephone Number: 610-701-7000 (X. 1158)

You may also wish to provide prior addresses, employments, aliases, etc., which you believe may assist the FBI in locating the information you seek. EMPLOYMENT ADDRESS:

EDWARDS AND KELCEY
1247 WARD AVE. WEST CHESTER, PA 19380
PH: 610-701-7000

Under penalty of perjury, I hereby declare that I am the person named above and I understand that any falsification of this statement is punishable under the provisions of Title 18, United States Code (U.S.C.), Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years, or both; and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of Title 5, U.S.C., Section 552a(i)(3) as a misdemeanor and by a fine of not more than \$5,000. All signatures under the certification of perjury statement MUST be an original signature, as the FBI is no longer accepting faxed signatures. The signature must also be legible.

Signature [Handwritten Signature] Date 03-14-06

To initiate your FOIPA request, please return the original request letter with the requested information. Please note that mail addressed to the FBI is delayed several weeks due to increased security procedures now in place. You must MAIL your request with your original legible signature, as the FBI is no longer accepting faxed signatures after the perjury statement.

Sincerely yours,

David M. Hardy

David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division




Contact Us

- Your Local FBI Office
- Overseas Offices
- Submit a Crime Tip
- Report Internet Crime
- More Contacts

Learn About Us

- Quick Facts
- What We Investigate
- Natl. Security Branch Information Technology
- Fingerprints & Training
- Laboratory Services
- Reports & Publications
- History
- More About Us

Get Our News

- Press Room
- News Feeds 

Be Crime Smart

- Wanted by the FBI
- More Protections

Use Our Resources

- For Law Enforcement
- For Communities
- For Researchers
- More Services

Visit Our Kids' Page

Apply for a Job

National Name Check Program—Frequently Asked Questions

How long will it take for my name check to be completed?

The length of time it takes for a name check to be completed varies from name to name. Normally, a name is submitted by an agency, such as the United States Citizenship and Immigration Services (USCIS), on a data tape. The National Name Check Program (NNCP) receives over 62,000 name checks every week, with over 27,000 coming from USCIS on a weekly basis. When a data tape comes in, the names on the tape are electronically checked against the Federal Bureau of Investigation's Universal Index (UNI). The searches seek all instances of the individual's name appearing in both main files and reference files. A main file name is that of an individual who is, himself/herself, the subject of an FBI investigation, whereas a reference is someone whose name appears in an FBI investigation. References may be associates, conspirators, or witnesses.

The majority of name checks submitted on a data tape are electronically checked and returned to the submitting agency as having "No Record" within 48-72 hours. A "No Record" indicates that the FBI's UNI database contains no identifiable information regarding a particular individual. Duplicate submissions (i.e., identically spelled names with identical dates of birth submitted within the last 120 days) are not checked, and the duplicate findings are returned immediately to the submitting agency.

A secondary manual name search conducted within 30-60 days usually identifies additional requests as having a "No Record." The remaining name checks (usually about 10% of the name checks originally submitted) are identified as possibly being the subject of an FBI record. At that point, the FBI record must be retrieved and reviewed. If the record is available in the FBI's electronic record keeping system, it can be reviewed quickly. If not, the relevant information must be retrieved from an existing paper record. Review of this information determines whether the information is positively identified with the name check request. If the information is not identified with the request, the request is closed as a "No Record," and the requesting agency is notified as such.

The average time required to retrieve and review an FBI record for possible information related to a name check request is case specific—it depends on the number of files an analyst must obtain (which is dictated by the number of "hits" on a name), the location and availability of those files, and the amount of information contained in a file. If a file is stored locally, an analyst will be able to obtain the file within a matter of days. If a file is located in a field office or other FBI location, the applicable information must be requested from that location. There are over 265 different FBI locations that could house information pertinent to a name check request. If a file is electronically available, an analyst will have immediate access to that file. Additionally, once an analyst receives the file, or the pertinent information contained in a file, the analyst must review it for possible information related to the name check request.

Many times, the delay associated with the processing of the remaining name checks is not the actual time it takes to process a name check, but the time it takes for an analyst to get to the name check request in order to process it. This is due to the constant volume of name checks, several million each year, combined with the FBI's current work on processing residual name checks from a batch of 2.7 million requests submitted by USCIS in December 2002, as compared to the NNCP's limited resources. Less than one percent of the requests are identified with a file containing possible derogatory information. If applicable, the FBI then forwards a summary of the derogatory information to the requesting agency. It is important to note that the FBI **does not** adjudicate the name check requests, but only provides available information to a requesting agency for its adjudication process.

How can I have my name check expedited?

The FBI tries to process its oldest name checks first. Customer agencies will occasionally request expedited handling of specific name checks. Criteria used to determine which name checks receive expedited handling are internal matters of each customer agency. The FBI does request that the number of expedited cases be kept to a minimum in fairness to the other pending name check requests. Because each customer agency determines which name checks are expedited, contacting Congressional representatives, the FBI's Office of Congressional Affairs, or the NNCP will only further tie up vital resources and **will not** contribute to the expediting of a name check.

Does contacting my Congressional representative expedite my name check?

No, the customer agency determines expedited handling. The FBI's policy is to be responsive to our customer's needs given the limits of our resources. Re-prioritization from multiple sources would convolute the customer agency's ability to manage their priority cases.

Is there a fee I can pay to expedite the process?

No. Processing times are a function of the volume of work versus the resources that can be applied to the task. Paying an additional fee would not speed up the name check process.

I am aware that some name checks have been completed that were submitted to the FBI after cases that remain pending. Why are the name checks not handled in the order in which they are received?

The vast majority of name check requests are completed in less than 60 days. Of those remaining, the FBI tries to complete the oldest name checks first. The time to complete any given name check varies. There are many factors that impact processing times such as the number of files to retrieve and review, a file's location and accessibility, case status, and workload all impact processing times. Another factor that might delay the processing of a name check request on a first in/first out basis is the number of requests for expedited handling received from a customer agency.

My Freedom of Information/Privacy Act request to the FBI resulted in a "no record" response. Given that, why is my name check request still pending?

Freedom of Information and Privacy Acts (FOIPA) requests are sometimes confused with name check requests. FOIPA provides copies of FBI files relevant to a specific FOIPA request. For FOIPA, the FBI search uses the name or information as provided in the FOIPA request. A FOIPA search determines whether there is an investigative file associated with an individual—a "main file" search. For a name check, "main files" and "reference files" are both checked, in an effort to protect our national security, in addition to searching a name in a multitude of combinations.

Who can I call to check on the status of my name check?

The FBI will only respond to status inquiries from its customer agencies. Please contact the organization receiving your original application. In Citizenship and Immigration cases, contact USCIS for the status.

U.S. Department of Homeland Security
970 Broad Street
Newark, NJ 07102



U.S. Citizenship
and Immigration
Services

January 2005

NOTICE

FBI Name Check Expedite Criteria

In order for USCIS to expedite an FBI Name Check request, one of the following criteria must be established:

- Military deployment must be imminent
- Age-out benefits (not covered under the provision of the Child Status Protection Act)
- Writ of Mandamus – lawsuit pending in Federal Court
- Immigration Judge cases – grant of lawful permanent residence
- Compelling reasons as provided by the requesting office (i.e. critical medical condition) assessed on a case by case basis

Exh 1,

CIVIL COVER SHEET

06-777

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Arsalan Faghri, Fereshteh Amini, and Roudabeh Faghri,

(b) County of Residence of First Listed Plaintiff New Castle
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Cynthia Carroll, 260 Chapman Road, Suite 201 D, Newark, DE 19702
302-733-0411 and Ann Badmus, 12700 Park Central Ste 1910 Dallas, Texas 75251

DEFENDANTS

Michael Chertoff, Secretary, DHS, Emilio T. Gonzalez, Director, USCIS, Paul Novak, Director, Vermont Serv Ctr, USCIS, Robert S. Muller, Dir, FBI

County of Residence of First Listed Defendant not applicable
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

unknown

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC 1331, 28 USC 1361, 5 USC 701

Brief description of cause:

Mandamus to compel agency action

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE not applicable

DOCKET NUMBER

DATE
10/25/2006

SIGNATURE OF ATTORNEY OF RECORD

Cynthia Carroll

Ann Massey Badmus

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING FEE

JUDGE

MAG. JUDGE

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 06 - 777

ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF 4 COPIES OF AO FORM 85.

DEC 20 2006

(Date forms issued)

(Signature of Party or their Representative)

Joseph P. CARROLL
(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action